

Batts, J

MEMO ENDORSEDUNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORKUSDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 1/16/18

MM PROTON I, LLC.,

Plaintiff,

v.

YORY LLC and CYCLE THERAPY NYC INC.,

Defendants.

No. 17-CV-10102 (DAB)

15 DAB 1/16/18

PROPOSED ORDER TO SHOW CAUSE FOR AN IMMEDIATE INJUNCTION

Upon Plaintiff MM Proton I, LLC's ("MM Proton or "Plaintiff") memorandum of law in support of its motion for an immediate injunction, dated January ¹⁶~~12~~, 2018, the declaration of Robert Murphy dated January 11, 2018, and upon all the papers and pleadings hereto had herein, and upon due deliberation; and good and sufficient cause appearing therefor, it is hereby,

ORDERED that Defendants Yory LLC ("Yory") and Cycle Therapy NYC Inc. ("Cycle Therapy") show cause before the Honorable Deborah A. Batts, United States District Judge, in Courtroom 24B at the United States District, Southern District of New York, on the th7 day of February 2018 at 4:36 pm, or as soon thereafter as counsel may be heard, why this Court should not enter a preliminary and permanent injunction directing:

1. Defendants to perform immediately their obligations necessary for MM Proton to meet its deadline and achieve a Certificate of Occupancy for the Project by May 1, 2018, including but not limited to the Defendants' obligation to permit access to and use of their land and building; and to
2. Yory to sign the easement required by the Department of Buildings.

IT IS FURTHER ORDERED, that on or before January 19, 2018, Plaintiff shall serve a copy of this Order to Show Cause, together with the papers upon which it was based ^{in person} ~~by e-mail~~ upon Defendants' counsel, which shall constitute good and sufficient notice;

IT IS FURTHER ORDERED that Defendant shall serve answering papers upon Plaintiff's counsel by email on or before the 26th day of January 2018; and

IT IS FURTHER ORDERED that the Plaintiff shall serve reply papers in support of this motion upon Defendant's counsel by email on or before the 31st day of January 2018.

IT IS FURTHER ORDERED that security in the amount of \$5,000.00 will be posted by 1/19, 2018.

So Ordered,

Deborah A. Batts, J.S.C. 1/16/18
U.S.D.J.

DM